

109TH CONGRESS
2D SESSION

S. 4118

To amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Toxic Right-to-Know
5 Protection Act”.

6 **SEC. 2. MODIFICATIONS IN REPORTING FREQUENCY.**

7 (a) IN GENERAL.—Section 313 of the Emergency
8 Planning and Community Right-to-Know Act of 1986 (42
9 U.S.C. 11023) is amended—

1 (1) by striking subsection (i); and

2 (2) by redesignating subsections (j) through (l)
3 as subsections (i) through (k), respectively.

4 (b) CONFORMING AMENDMENTS.—Sections
5 322(h)(2) and 326(a)(1)(B)(iv) of the Emergency Plan-
6 ning and Community Right-to-Know Act of 1986 (42
7 U.S.C. 11042(h)(2), 11046(a)(1)(B)(iv)) are amended by
8 striking “313(j)” each place it appears and inserting
9 “313(i)”.

10 **SEC. 3. REQUIREMENTS RELATING TO TOXICS RELEASE IN-**
11 **VENTORY.**

12 (a) FORM A CERTIFICATION STATEMENT.—Notwith-
13 standing any other provision of law—

14 (1) the Administrator of the Environmental
15 Protection Agency (referred to in this section as the
16 “Administrator”) shall establish the eligibility
17 threshold regarding the use of a form A certification
18 statement under the Toxics Release Inventory Pro-
19 gram established under the Emergency Planning
20 and Community Right-to-Know Act of 1986 (42
21 U.S.C. 11001 et seq.) at not greater than 500
22 pounds for nonpersistent bioaccumulative and toxic
23 chemicals; and

24 (2) the use of a form A certification statement
25 described in paragraph (1), or any equivalent suc-

1 cessor to the statement, shall be prohibited with re-
2 spect to any chemical identified by the Adminis-
3 trator as a chemical of special concern under section
4 372.28 of title 40, Code of Federal Regulations (or
5 a successor regulation).

6 (b) REVISION OF REQUIREMENTS.—Notwithstanding
7 any other provision of law, the Administrator shall not im-
8 plement the proposed rule of the Administrator dated Oc-
9 tober 4, 2005 (70 Fed. Reg. 57822), to revise require-
10 ments under the Toxics Release Inventory Program de-
11 scribed in subsection (a)(1).

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